

REMARKS

Reconsideration and allowance of the present application based on the above amendments and the following remarks are respectfully requested. By this Amendment, claims 1, 15, 32, and 35 are amended merely for clarity, and no new matter is presented hereby. For example, support for the limitation "substantially horizontal" can be found in the specification at paragraph 37 which describes an exemplary operative position as a "vertical orientation" and at paragraph 32 which describes an exemplary inoperative position as moving the windshield "approximately 90°" (*i.e.*, from vertical to horizontal). New claims 37-42, based on the subject matter indicated to be allowable in the Office Action, are presented hereby. Claims 1-3, 6-17, 20-36 and 37-42 are pending.

Applicant appreciates the indication in the Office Action that claims 3, 7-14, 17 and 21-28 would be allowable if rewritten to overcome the § 112 rejection and to include all of the limitations of the base claim and any intervening claims. By this Amendment, Applicant has presented new claims 37-42, based on the subject matter of the allowable claims and overcoming the § 112 rejection. Accordingly, Applicant submits that new claims 37-42 are allowable.

Claims 1-3, 6-17 and 20-31 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Office Action alleges that it is not clear what is meant by a front/rear side of said windshield panel, and that Applicant allegedly needs to relate the forward position to the front bumper [of a vehicle] and the rearward position to the seat [of a vehicle] in independent claims 1 and 15.

Applicant has amended claim 15 to relate the front and rear sides to the seat, as suggested. However, claim 1 is amended to further clarify that the inoperative position of the windshield panel includes a forward position in which the windshield panel is displaced from the operative position in a direction facing a windward side of the windshield panel and a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from the windward side of the windshield panel. Although the Office Action indicates that Applicant needs to relate the forward position to the front bumper and the rearward position to the seat, Applicant submits that reciting such a relationship is not necessary with respect to claim 1 because claim 1 is directed to a windshield assembly, which does not include a front bumper or a seat. Thus, Applicant submits that the § 112 rejection is overcome.

Claims 1, 2, 6, 15, 16, 20, 30 and 31 were rejected under 35 U.S.C. § 102(b) over Sarra, U.S. Patent No. 3,622,196. Applicant traverses the rejection because Sarra fails to disclose all of the features recited in the claims. For example, independent claim 1 recites that the windshield assembly includes a windshield panel movable to an inoperative position including a forward position in which the windshield panel is displaced from the operative position in a direction facing a windward side of the windshield panel. Similarly, independent claim 15 recites that the windshield assembly includes a windshield panel movable to an inoperative position including a forward position in which the windshield panel is displaced from the operative position in a direction facing away from the seat. Sarra, in contrast, discloses a windshield which is pivotable from an operative position into a stowed (*i.e.*, rearward) position on the seat. Sarra discloses that “the windshield 25 has an operative or up position and a stowed or down position as shown in solid and phantom lines respectively in FIG. 1” (column 1, line 73 – column 2, line 1), without disclosing any forward inoperative position. Accordingly, because Sarra fails to disclose an inoperative position including a forward position, as recited in independent claims 1 and 15, Applicant submits that the § 102 rejection of independent claims 1 and 15 (and respective dependent claims 2 and 6, and 16, 20, 30 and 31) is overcome.

Claims 15 and 29 were rejected under 35 U.S.C. § 102(b) over Clardy, Jr., U.S. Patent No. 5,961,175. Applicant traverses the rejection because Clardy, Jr. fails to disclose all of the features recited in the claims. For example, Clardy, Jr. fails to disclose a vehicle including a windshield panel movable between an operative position and an inoperative position, wherein the inoperative position includes a forward position in which the windshield panel is displaced from the operative position in a direction facing away from the seat and a rearward position in which the windshield panel is displaced from the operative position in a direction toward the seat, as recited in independent claim 15. To the contrary, Clardy, Jr. merely discloses a canopy including a lower window pane 67 pivotably attached and having two clamps 71 adapted to be releasably coupled to the frame edge 57 when the pane 67 is in a downward closed position, or coupled to two hook members 73 when in an upward open position (see FIG. 2; column 1, lines 54-60). The lower pane pivots between an open position and a closed position, but Clardy, Jr. does not disclose a windshield panel movable to an inoperative position including a forward position in which the windshield panel is displaced from the operative position in a direction facing away from the seat, and a rearward position in which the windshield panel is displaced from the operative position in a direction toward

the seat, as recited in independent claim 15 and its dependent claim 29. Accordingly, Applicant submits that the § 102(b) over Clardy, Jr. is overcome.

Claims 32 and 34 were rejected under 35 U.S.C. § 103(a) over Chaffin, U.S. Patent No. 6,402,228, in view of Sarra. Applicant traverses the rejection because the combined teachings of Chaffin and Sarra fail to disclose or suggest all the features recited in the claims. For example, the combined teachings of Chaffin and Sarra fail to disclose or suggest a method for transporting a vehicle comprising a windshield assembly including a windshield panel, the method comprising pivoting the windshield panel from an operative position into an inoperative position wherein said inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of said windshield panel such that the windshield panel is substantially horizontal, as recited in independent claim 32 and its dependent claim 34. To the contrary, Sarra merely discloses a windshield movable to a stowed position in which the windshield is within the profile of the cowl and laying down onto the seat so as not to contribute much to the vehicle's height. However, as illustrated in Sarra, the windshield is not substantially horizontal, as recited in independent claim 32 and its dependent claim 34. Chaffin fails to remedy the deficiencies of Sarra because Chaffin is merely directed to a movable salt shield for a snowmobile trailer, as illustrated in FIG. 1 of Chaffin, and not a movable windshield panel. Therefore, the combined teachings of Chaffin and Sarra fail to disclose or suggest a method for transporting a vehicle including pivoting the windshield panel from an operative position into an inoperative position including a rearward position such that the windshield panel is substantially horizontal, as recited in independent claim 32 and its dependent claim 34. Accordingly, Applicant submits that the § 103(a) rejection over Chaffin in view of Sarra is overcome.

Claim 33 was rejected under 35 U.S.C. § 103(a) over Chaffin in view of Huston, U.S. Patent No. 5,816,757. Applicant traverses the rejection because the combined teachings of Chaffin and Huston fail to disclose or suggest all the features recited in the claims. As explained above, the teachings of Chaffin fails to disclose or suggest a method for transporting a vehicle including pivoting a windshield panel from an operative position into an inoperative position including a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of said windshield panel such that the windshield panel is substantially horizontal, as recited in independent claim 32 from which claim 33 depends. Huston fails to remedy the deficiencies

of Chaffin because Huston is merely directed to a system that can be used to hold and secure a snowmobile and all terrain vehicles to the bed of a trailer by the use of a clamp-like device that bolts to the bed of the trailer, as illustrated in FIG. 1 of Huston, and not a movable windshield panel. Therefore, the combined teachings of Chaffin and Huston fail to disclose or suggest a method for transporting a vehicle including pivoting the windshield panel into an inoperative position including a rearward position, as recited in independent claim 32 and its dependent claim 33. Thus, Applicant submits that the § 103(a) rejection of claim 33 over Chaffin in view of Huston is overcome.

Claims 35 and 36 were rejected under 35 U.S.C. § 103(a) over Clardy, Jr. in view of Sarra. Applicant traverses the rejection because the combined teachings of Clardy, Jr. and Sarra fail to disclose or suggest all the features recited in the claims. Claim 35 recites an all-terrain vehicle including a windshield panel movable between an operative position and an inoperative position, wherein said inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of said windshield panel wherein the windshield panel is substantially horizontal. As explained above, neither Sarra nor Clardy, Jr. discloses a windshield panel movable between an operative position and an inoperative position including a rearward position in which the windshield panel is substantially horizontal. Accordingly, Applicant submits that the combined teachings of Clardy, Jr. and Sarra do not disclose or suggest an all-terrain vehicle including a windshield panel movable between an operative position and an inoperative position, wherein the inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of said windshield panel wherein the windshield panel is substantially horizontal, as recited in independent claim 35 and its dependent claim 36. Thus, Applicant submits that the § 103(a) rejection of claims 35 and 36 over Clardy, Jr. and Sarra is overcome.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Attached is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned **“Version with markings to show changes made”**.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:

*John P. Darling 44,482*  
John P. Darling  
for Paul T. Bowen

Reg. No.: 38,009

Tel. No.: (703) 905-2020

Fax No.: (703) 905-2500

PTB/ASW/smm  
1600 Tysons Boulevard  
McLean, VA 22102  
(703) 905-2000

Enclosure: Appendix

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Twice Amended) A windshield assembly comprising:  
a windshield panel movable between an operative position and an inoperative position; and  
a coupling assembly coupled to said windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position,  
wherein said inoperative position includes a forward position [toward] in which the windshield panel is displaced from the operative position in a direction facing a [front] windward side of said windshield panel and a rearward position [toward a rear] in which the windshield panel is displaced from the operative position in a direction facing away from the windward side of said windshield panel.
  
15. (Twice Amended) A vehicle comprising:  
a frame;  
at least one ground contacting element suspended from the frame to provide an interface between the frame and ground;  
a handlebar operatively connected to the ground contacting element to steer the vehicle;  
a seat positioned on the frame; and  
a windshield assembly mounted on the frame and including a windshield panel movable between an operative position and an inoperative position, and a coupling assembly between the handlebar and the windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position, wherein said inoperative position includes a forward position [toward a front side of said windshield panel] in which the windshield panel is displaced from the operative position in a direction facing away from the seat and a rearward position [toward a rear side of said windshield panel] in which the windshield panel is displaced from the operative position in a direction toward the seat.

32. (Amended) A method for transporting a vehicle, the vehicle comprising a windshield assembly mounted on a frame of said vehicle and including a windshield panel, the method comprising:

loading the vehicle on a trailer;

pivoting the windshield panel from an operative position into an inoperative position, [toward a rear side of said windshield panel] wherein said inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of said windshield panel such that the windshield panel is substantially horizontal; and

transporting said vehicle such that wind pressure on said windshield panel is substantially reduced.

35. (Amended) An all-terrain vehicle comprising:

a frame;

a pair of front wheels and a pair of rear wheels suspended from the frame;

an engine operatively coupled to provide motive force to at least one of the pair of front and rear wheels and selectively operable to provide motive force to both the front and rear pairs of wheels;

a handlebar operatively connected to the front pair of wheels to steer the vehicle;

a straddle-type seat positioned on the frame;

a pair of footrests, one on each lateral side of the straddle-type seat; and

a windshield assembly mounted on the frame and including a windshield panel movable between an operative position and an inoperative position, and a coupling assembly between the handlebar and the windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position, wherein said inoperative position includes a rearward position [toward a rear] in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of said windshield panel, wherein the windshield panel is substantially horizontal and adjacent the straddle-type seat such that wind pressure on said windshield panel is substantially reduced during transport of the vehicle.

New claims 37-42 have been added.

End of Appendix